

Notice of Allowability

Application No.

10/658,894

Examiner

Ramnandan Singh

Applicant(s)

KISHI, TAKAHIKO

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Sep. 10, 2003.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date Dec. 01, 2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This action is in response to applicant's response filed on Sep. 10, 2003. **Claims 1-15** are pending in the present application.

2. EXAMINER'S AMENDMENT/COMMENT

Applicant has agreed to the following amendment during his telephonic interview with the Examiner held on March 02, 2007:

In the claims:

(i) Claim 2, line # 3, change "low quality" ---a quality less than a predetermined value-----

(ii) Claim 2, line # 7, change "low quality" ---a quality less than a predetermined value-----

(iii) Claim 4, line # 6, change "lower quality" ---a quality that decreases----

(iv) Claim 5, line # 3, change "low quality" ---a quality less than a predetermined value-----

(v) Claim 5, line # 7, change "low quality" ---a quality less than a predetermined value-----

(vi) Claim 7, line # 1, change "in claim 2"-----in claim 4-----

(vii) Claim 8, line # 3, change "low quality" ---a quality less than a predetermined value-----

(viii) Claim 8, line # 7, change "low quality" ---a quality less than a predetermined value-----

(ix) Claim 10, line # 1, change "in claim 3"----in claim 7-----

(x) Claim 11, line # 3, change "low quality" ---a quality less than a predetermined value-----

(xi) Claim 11, line # 7, change "low quality" ---a quality less than a predetermined value-----

(xii) Claim 15, line # 7, change "lower quality" ---a quality that decreases-----

The Interview summary is enclosed.

REASONS FOR ALLOWANCE

3. Claims 1-15 are indicated allowable.

The following is an examiner's statement of reasons for allowance:

This invention relates to a wireless phone that has both a first wireless communication portion in circuit switching mode and a second wireless communication portion in packet communication mode. Claim 1 identifies the uniquely distinct feature of the communication system comprising: "a controller for receiving quality information relating to both a first sound signal received and decoded through the first wireless communication portion, and a second sound signal received and decoded through the second wireless communication portion, and controlling switching between the first and second sound signals at intervals of a speech pitch period based on the quality information". As such, claim 1 requires using a controller to control switching between the first and second sound signals at intervals of a speech pitch period based on the quality information. While the closest prior art, Berger et al [US 20060023696 A1], Lamarque, III [US 6,674,746 B1, and Thi et al [US 20020061012 A1] each teach switching from a circuit-switched to a packet-switched model and vice versa, Berger et al switching to circuit-switched channel whenever available, Lamarque III switching using transfer application in a database, and Thi et al switching by a human operator to receive a better quality of voice call for home networking applications; none of them teach or suggest

using a controller to control switching between the first and second sound signals at intervals of a speech pitch period based on the quality information. As such, the prior art either singularly, or in combination, fail to anticipate or render the above underline limitation obvious.

Therefore, claim 1 is indicated allowable. Claim 14 is essentially similar to claim 1 and is indicated allowable. Claims 2-13 being dependent from claim 1 and claim 15 dependent from claim 14 are also indicated allowable.

4. The claims have been re-numbered as follows:

CLAIMS NUMBER (ORIGINAL)	CLAIMS NUMBER (FINAL)
1-11	1-11
13	12
12	13
14-15	14-15

Claim no. 1 along with figure number 1 will be published in the Official Gazette.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramnandan Singh
Examiner
Art Unit 2614

A handwritten signature in black ink, appearing to read 'Ramnandan Singh', with a long horizontal line extending from the bottom of the signature.